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4 USA,
5 Plaintiff,
6 v.
7 ALFONZO WILLIAMS,
8 Defendant.
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12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA

14 Case No. 13-cr-00764-WHO-1

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20 **ORDER REGARDING SAN
FRANCISCO POLICE DEPARTMENT'S
MOTION TO QUASH SUBPOENA
FROM DEFENDANT ELMORE**

21 Re: Dkt. No. 146

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28 The San Francisco Police Department, joined by the United States, moves to quash the subpoena served by defendant Reginald Elmore because its compliance date was unreasonable, the subpoena failed to satisfy Federal Rule of Criminal Procedure 17(c), the SFPD's investigation was federalized, and the subpoena both violates the Jencks Act, 18 U.S.C. §3500 and implicates the privilege to withhold the identity of witnesses under *United States v. Rovario*, 353 U.S. 53 (1957). Dkt. No. 146. The government adds that the subpoena was extremely overbroad and that not only has the government produced the documents to which defendant Elmore is entitled but that many documents not produced are protected under the Jencks Act.

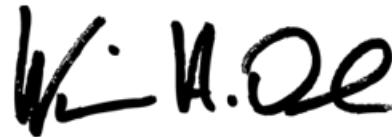
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40 Elmore responds that the government has produced very little evidence concerning his involvement in the murders of Isaiah Turner and Andre Helton, for which the government is currently seeking the death penalty, and that his subpoena is narrowly tailored to seek documents concerning the SFPD's investigation of those murders that have not previously been disclosed. He states that the government has repeatedly refused to designate SFPD as its "agent" for purposes of Federal Rule of Criminal Procedure 16(a)(2), and disputes the applicability of both the Jencks Act and the *Rovario* privilege. Elmore has also filed a motion to compel production of discovery that will be heard on October 30, 2014, and has listed in some detail the categories of evidence that to

1 date have not been disclosed to him. The government's response to that motion is not yet due.

2 At the hearing, SFPD offered to produce the subpoenaed documents to the government for
3 its review. Given the pending motion to compel, that is a good idea. SFPD shall provide the
4 subpoenaed documents to the government within the next seven days. The government shall
5 review them promptly and produce any that it previously did not have and that, in the
6 government's opinion, should be provided to defendant Elmore. To the extent the government
7 withholds any of the subpoenaed documents, it shall explain the basis for doing so as part of the
8 briefing in opposition to the motion to compel.

9 **IT IS SO ORDERED.**

10 Dated: September 25, 2014



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12 WILLIAM H. ORRICK
United States District Judge